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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
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11 PAUL PATRICK JOLIVETTE,

12 Petitioner,

13 v.

14 DANNY SAMUEL,

15 Respondent.
16

No. 2:23-CV-1732-KJM-DMC-P

ORDER

17 Petitioner, a prisoner proceeding pro se, brings this petition for a writ of habeas
18 corpus under 28 U.S.C. § 2254.

19 Pending before the Court is Respondent's motion, ECF No. 19, for an extension of
20 time to file a response to Petitioner's petition. Good cause appearing therefor, Respondent's
21 motion will be granted and the motion to dismiss filed on January 16, 2024, will be deemed a
22 timely response to Petitioner's petition.

23 Also before the Court are Petitioner's motions, ECF Nos. 15 and 21, to strike
24 Respondent's response due to, according to Petitioner, default having been entered against
25 Respondent. These motions will be denied because a review of the docket does not reflect that
26 Respondent's default has been sought or entered and because Respondent's motion to dismiss
27 filed on January 16, 2024, is deemed timely.

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Also before the Court is Petitioner's motion, ECF No. 13, to shorten the time for Respondent to file a response to the petition, as directed by the Court on November 2, 2023. Petitioner's motion will be denied as moot because, as explained above, Respondent's motion to dismiss has now been filed and will be deemed a timely response to the petition.

Accordingly, IT IS HEREBY ORDERED as follows:

1. Respondent's motion for an extension of time, ECF No. 19, is GRANTED.
2. Respondent's motion to dismiss, ECF No. 20, filed on January 16, 2024, is deemed a timely response to Petitioner's petition for a writ of habeas corpus.
3. Petitioner's motion to strike, ECF Nos. 15 and 21, are DENIED.
4. Petitioner's motion to shorten time, ECF No. 13, is DENIED as moot.
5. Petitioner's opposition to Respondent's motion to dismiss is due within 30 days of the date of this order.

Dated: January 17, 2024



DENNIS M. COTA
UNITED STATES MAGISTRATE JUDGE